

AMENDED IN SENATE MARCH 20, 2003

SENATE BILL

No. 58

**Introduced by Senators Johnson, Alpert, Battin, Florez, Knight,
McPherson, and Speier**

(Coauthors: Assembly Members ~~Benoit, Campbell, Daucher, La Malfa~~
Bates, Benoit, Campbell, Daucher, Dutton, La Malfa, Longville,
Maddox, Mountjoy, Nakanishi, Pacheco, Plescia, Spitzer,
Strickland, and Wyland)

January 15, 2003

An act to add Section ~~1798.68.5~~ to the ~~Civil Code~~ *964 to the Penal Code*, relating to police reports, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 58, as amended, Johnson. Police reports: confidentiality.

Existing law provides Californians with a right of privacy. Existing law regulates the dissemination of personal information held by government agencies. Existing law exempts courts from the provisions of the *California* Public Records Act and permits a court to seal records and redact information from them.

This bill would provide, except as otherwise required by law, that a police report, arrest report, or investigative report, and any item attached to it, submitted to a court by a prosecutor or law enforcement officer, as specified, be sealed by the court. The bill would permit these records to be inspected, upon request, after the clerk of the court prepares and provides a copy of the report from which all personal identifying information has been redacted, as specified, regarding any witness or victim.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. ~~Section 1798.68.5 is added to the Civil Code~~
2 ~~964 is added to the Penal Code~~, to read:

3 ~~1798.68.5.~~

4 964. (a) Except as otherwise required by law, a police report,
5 arrest report, or investigative report, and any item that is attached
6 or incorporated by reference to it, that is submitted to a court by
7 a prosecutor in support of a criminal complaint, indictment, or
8 information, or by a prosecutor or law enforcement officer in
9 support of a search warrant or an arrest warrant, shall be sealed by
10 the court and may not be opened to public inspection except as
11 provided by this section.

12 (b) Upon a request to inspect a report sealed pursuant to
13 subdivision (a), the clerk of the court shall prepare and provide a
14 copy of the report from which has been redacted all personal
15 identifying information regarding any witness or victim
16 mentioned within, and all other information that could reasonably
17 lead to the disclosure of this personal identifying information.

18 (c) For the purposes of this section, “personal identifying
19 information” includes, but is not limited to, a person’s name,
20 address, telephone number, driver’s license or California
21 Identification Card number, social security number, place of
22 employment, employee identification number, mother’s maiden
23 name, demand deposit account number, savings or checking
24 account number, or credit card number.

25 (d) (1) This section may not be construed to impair or affect
26 the provisions of Chapter 10 (commencing with Section 1054) of
27 Title 6 of Part 2 of the Penal Code.

28 (2) This section may not be construed to impair or affect
29 procedures regarding informant disclosure provided by Sections
30 1040 to 1042, inclusive, of the Evidence Code, or as altering
31 procedures regarding sealed search warrant affidavits as provided
32 by *People v. Hobbs* (1994) 7 Cal.4th 948.

1 (3) This section applies as an exception to California Rule of
2 Court 243.1, as provided by paragraph (2) of subdivision (a) of that
3 rule.

4 SEC. 2. This act is an urgency statute necessary for the
5 immediate preservation of the public peace, health, or safety
6 within the meaning of Article IV of the Constitution and shall go
7 into immediate effect. The facts constituting the necessity are:

8 In order to protect the safety and privacy of victims and
9 witnesses of crimes, to encourage witnesses to come forward and
10 report crimes, and to combat the efforts of identity thieves to
11 obtain the personal identifying information of California citizens,
12 it is necessary that this act go into immediate effect.

